

TOWNSHIP OF FREDON
RESOLUTION 2021-76

**RESOLUTION OF MUNICIPAL SUPPORT FOR OM GENETICS TO RECEIVE A
CLASS 1 CANNABIS CULTIVATION LICENSE FROM THE NEW JERSEY
CANNABIS REGULATORY COMMISSION
TO OPERATE WITHIN THE TOWNSHIP OF FREDON**

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c.16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, Section 31a of the Act authorizes municipalities by ordinance to adopt ordinances and regulations governing the number of cannabis establishments allowed to operate within their boundaries, as well as the location, manner, and times of operations of such establishments; and

WHEREAS, on November 22, 2021, the Township Committee of the Township of Fredon adopted Ordinance 2021-11 which established one (1) Class 1 Cannabis Cultivator license for a cannabis establishment to operate within the Township; and

WHEREAS, Ordinance 2021-11 further established land use and development regulations for the Class 1 Cannabis Cultivator license including zone district limitations and specific requirements for business location, lot size, building size, building structure, buffering, signage, allocation of building use, site plan approval, product consumption and odor control; and

WHEREAS, the Township received inquiries from prospective licensees regarding the process for obtaining municipal support for a Cannabis Cultivation establishment to operate within the Township, and in response the Township asked all those who had so inquired to provide the Township with information that would allow it to conclude that a prospective licensee is ready, willing and able to operate a successful and safe cannabis business within the Township; and

WHEREAS, after reviewing the responses received, the Township Committee is prepared to issue a resolution of municipal support as set forth herein.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Committee of the Township of Fredon, in the County of Sussex in, State of New Jersey as follows:

1. The above recitals are hereby incorporated as if restated herein in full.

2. The Mayor and Committee of the Township of Fredon find and determine that OM Genetics has presented the Township with sufficient evidence that if it is granted a Class 1 Cultivation License, it will have control of a lawful site within the Township's approved zone, subject to receiving the necessary approvals from the Township and Township's Land Use Board, and further has provided information reflecting that it is ready, willing and able to operate a successful and safe cannabis business within the Township; and
3. The Mayor and Committee of the Township formally express their support for OM Genetics with respect to its pending application to the New Jersey Cannabis Regulatory Commission for a Class 1 Cultivation License.
4. Nothing in this Resolution shall preclude the Mayor and Committee from issuing additional resolutions of municipal support to other applicants, to the extent that may be permissible under the regulations promulgated by the Cannabis Regulatory Commission, nor shall it limit the Mayor and Committee's authority with respect to any request for input from the Cannabis Regulatory Commission as to their preferred licensee should more applicants seek licenses within the Township than are available under Ordinance.
5. Nothing in this Resolution is intended to guarantee or affirm that OM Genetics will be granted a license or site plan approval from the Township to operate a cannabis business within the Township.
6. Site plan approval by the Township Land Use Board and Zoning Certificate are required before any prospective licensee can operate a cannabis business within the Township, as well as compliance with all applicable rules, regulations, and laws.
7. A certified copy of this resolution shall be provided to the appropriate representatives of OM Genetics.
8. This Resolution shall take effect immediately.

CERTIFICATION

I hereby certify that the above is a true copy of a Resolution passed by the Fredon Township Committee at a Regular Meeting of that body held on December 9, 2021.

Suzanne Boland, RMC
Municipal Clerk

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3. The Mayor and Committee of the Township formally express their support for OM Genetics with respect to its pending application to the New Jersey Cannabis Regulatory Commission for a Class 1 Cultivation License.
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